

TITLE 1: GOVERNMENT AND ADMINISTRATION

DIVISION 7: PROJECT REVIEW

Chapter 2: Improvement Projects.

Sections:

17.021	Investigation of Project.
17.022	1911 Act.
17.023	1913 Act.
17.024	1915 Act.
17.025	Approved Projects.
17.026	Approval of Nonconforming Projects.
17.027	Roads.
17.028	Water or Sewer Projects.
17.029	Required Information.
17.0210	Petitions.
17.0211	Engineering Costs.
17.0212	Deposit -- County Costs.
17.0213	Incidental Expense.
17.0214	Board Action.

17.021 Investigation of Project.

The procedure set forth in the Investigation Act of 1931 may be utilized in proceedings conducted by the County under any improvement act. The requirements of the Investigation Act of 1931 may be waived as provided in the Streets and Highways Code. The County at its discretion, instead of requiring that the Investigation Act of 1931 be followed, may require that another type of hearing or special meeting for the consideration of the project.

Amended Ordinance 3121 (1987);

17.022 1911 Act.

The Board finds that the provisions of the 1911 Act can be utilized beneficially to finance approved Improvement Projects, subject to careful analysis of costs, incidental expenses and bond discount rate.

Amended Ordinance 3121 (1987);

17.023 1913 Act.

The Board finds that the provisions of the 1913 Act (Streets and Highways Code Sections 10000-10609) can be utilized beneficially in conjunction with bonds issued pursuant to the 1911 Act for approved Improvement Projects, where such projects are consistent with the purpose of the 1913 Act, namely, to permit a public agency or regulated utility to purchase or construct major public utilities. Funds derived from bonds sold pursuant to the 1913 Act shall be disbursed by the County only upon vouchers in affidavit form approved by the County and after further verification by County inspectors that the work for which a claim is made has in fact been completed.

Amended Ordinance 3121 (1987);

17.024 1915 Act.

The 1915 Act may be used for such projects as are permitted to be financed pursuant to the Act and which will serve the needs of domestic nonagricultural uses primarily, provided, however, the 1915 Act shall be used only when it is probable that substantial economic savings will result from use of the 1915 Act compared to other available means of financing the proposed project.

When the 1915 Act is used by the County on behalf of a public agency or regulated utility, to the extent legally possible, the public agency, or regulated utility, in addition to indemnification under Section 17.015(a) hereof, shall covenant to expend the necessary funds from whatever sources are available to cure in a timely manner all delinquency situations arising within that assessment district.

Amended Ordinance 3121 (1987);

17.025 Approved Projects.

(a) The merit of the improvement acts is that a group of property owners in an area in which property is improved or occupied, such as a residential neighborhood or a business district, can accomplish a needed public improvement which the owners are willing to pay for, where it would be difficult to accomplish the improvement through an agreement for pro rata contribution.

(b) Except for New Development Improvement Projects, an improvement project will be approved only when there is a substantial diversity of ownership, and a majority of the parcels are improved, or wherein there is a substantial diversity of ownership, and improvement and usage is restricted due to the lack of needed public facilities.

Amended Ordinance 3121 (1987);

17.026 Approval of Nonconforming Projects.

(a) An Improvement Project which fails to comply with any provisions of this Division, may nevertheless be approved if the Board makes an affirmative finding that overriding social, economic, environmental or other considerations warrant approval of the proposed project.

(b) Within the meaning of this section, "overriding social, economic, environmental or other consideration" includes but is not limited to Improvement Projects which will provide a substantial amount of affordable housing in accordance with the County General Plan or an applicable Specific Plan or Community Plan, or Improvement Projects which support industrial or commercial development which is expected to permanently enhance or enlarge the employment base within the County, or Improvement Projects which mitigate an adverse environmental impact.

Amended Ordinance 3121 (1987);

17.027 Roads.

A County Improvement Project for road construction will be considered only if the roads will meet the standards for roads in the County-maintained system.

Amended Ordinance 3121 (1987);

17.028 Water or Sewer Projects.

(a) An Improvement Project to construct water or sewer lines or systems will be considered only if the area to be served is within, will be annexed to, or will be served by a public agency or regulated utility, providing the service.

(b) An Improvement Project to construct a water supply or distribution system will not be approved unless evidence is submitted that tile water supply meets California water quality standards.

(c) An Improvement Project to construct a sewage treatment or collecting system will not be approved unless evidence is submitted that existing or proposed treatment facilities are or will be adequate for the anticipated load and that the requirements for waste discharge of the governing California Regional Water Quality Control Board will be met.

Amended Ordinance 3121 (1987);

17.029 Required Information.

Information supplied for Commission and Board review by proponents of an Improvement Project or New Development Improvement Project by the project engineer, any petition circulated to property owners, and any bid submitted by any contractor shall include as a minimum the following estimates:

- (a) Total cost of project, including interest.
- (b) Cost of construction.
- (c) Amount of incidental expense.
- (d) Interest rate for bonds.
- (e) Discount on bonds required by bond underwriters or other potential purchasers of bonds.
- (f) Fees charged by any person or firm providing financial assistance to a contractor.
- (g) Per parcel or per unit share of total cost.
- (h) The existing total bonded indebtedness on each parcel of property included within the proposed project area.
- (i) Availability of Federal or State financial assistance.
- (j) Comparison between method of public financing proposed by proponents and other means of public or private financing.
- (k) Project schedule for implementation.
- (l) Any special recommendations for implementation of project.

Amended Ordinance 3121 (1987);

17.0210 Petitions.

This section shall not apply to self-governed districts or to cities. In the case of a sewer project involving property located within, or annexed to, a special district or county service area governed by the Board, the certification by the County Health Officer or his deputy of the need for the project will be accepted in lieu of a petition. Criteria for

certification may include, but is not limited to, a review of sewage odor and nuisance complaints, an analysis of individual sewage disposal system pumping records, a hydrologic and geologic review of the soils and terrain and a sanitary survey of the project. Requests for certification shall be honored only from the Board or the County Special Districts Department and all costs relating to the certification shall be borne by the special district or service area in which the project is located and shall be payable to the County Environmental Health Services Department.

Amended Ordinance 3121 (1987);

17.0211 Engineering Costs.

(a) The proponents of any Improvement Project shall underwrite all engineering costs on any project which does not proceed for any reason after engineering services are performed. The County will not underwrite any engineering costs of any such project, except as hereinafter provided.

(b) Because sewer projects are of such vital importance to the environment, whenever the County Health Officer or his deputy has certified to the need for such a project in accordance with Section 17.0212, the Board will permit a special district or service area undertaking such a project to guarantee payment of engineering fees, subject to the following conditions:

(1) There is compliance with Section 17.028 of this chapter; and

(2) The contract with the engineer specifies that payment in case of failure of the project to proceed shall be the reasonable value of the work accomplished, considering the needs or program of the entity involved and the relevance of the work to such needs or program, such value to be determined by the Board upon recommendation of the County Administrative Officer.

(c) This section shall not apply to cities or self-governed districts seeking to obtain consent from the Board to conduct assessment district proceedings.

Amended Ordinance 3121 (1987);

17.0212 Deposit -- County Costs.

The proponents of any Improvement Project shall be required to deposit with the County a sum sufficient to cover County costs incurred in connection with review of a project, including, but not limited to, Commission review, administration, plan checking, investigation, Board review and inspection. The sum so deposited will be retained by the County only in the event that the project is not completed or if such costs are not recovered by the County from the project funding.

Amended Ordinance 3121 (1987);

17.0213 Incidental Expense.

Fees for County administrative expenses shall be established by the district project manager and shall be limited to the actual cost of such expenses for each project. Such fees will include all administrative, legal, financial, engineering, bond discount, and miscellaneous expenses which may be required in conjunction with the project. This section shall not apply to public agencies, and regulated utilities seeking to obtain consent from the Board to conduct assessment district proceedings.

Amended Ordinance 3121 (1987);

17.0214 Board Action.

Upon review of a proposed Improvement Project and the report of the Commission, the Board shall determine whether the project shall be approved. It is Board policy to limit projects to the criteria set forth in this Division. The Board reserves to itself the authority to approve or disapprove any proposed Improvement Project based upon evidence received at hearings held by the Board.

Amended Ordinance 3121 (1987);